

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

MELINDA SCOTT,

Plaintiff,

V.

Case No. 2:17-cv-6

WISE COUNTY DEPARTMENT OF
SOCIAL SERVICES

and

NORTON CITY DEPARTMENT OF
SOCIAL SERVICES,

Defendants.

MOTION TO QUASH SERVICE

Defendant Wise County Department of Social Services, by counsel, moves to quash service of process upon it in this action and in support thereof states as follows:

1. The record in this case shows that the Plaintiff, Melinda Scott, personally served the Complaint on Defendant Wise County Department of Social Services, at 206 E. Main Street, Room 123, Wise, Virginia 24293 on April 17, 2017.

2. Federal Rule of Civil Procedure 4:c(2) states “any person who is at least 18 years old and *not a party* may serve a summons and complaint.” (emphasis added). Because Ms. Scott is a party, the Plaintiff cannot properly serve the Defendant under the Rule.

WHEREFORE, Defendant respectfully moves the Court to quash service of process upon it and for such other relief as the Court may deem appropriate.

Respectfully submitted,

WISE COUNTY DEPT. OF SOCIAL SERVICES

/s/

Christopher S. Dadak (VSB # 83789)

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Attorney for Wise County Department of Social
Services

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed by United States Postal Service the document to the Plaintiff appearing *pro se*:

Melinda Scott
2014PMB87
PO Box 1133
Richmond, Virginia 23218

/s/ _____
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